



## **Clean Energy Future Committee Meeting Minutes**

*Approved at the 4-24-2020 meeting*

March 27, 2020

8:00 – 9:30 a.m.

Virtual Meeting – Hosted on Zoom

Members present: Jim DiTullio, Ryan Katofsky, Ken Pruitt, Dave Levy, Marc Breslow, Emily Sullivan, Coralie Cooper, Shelly Dein, Pasi Miettinen, Nellie Aikenhead, Dan Amstutz, Adam Chapdelaine

Members not present: Dan Dunn

The meeting convened at 8:07 a.m.

### **Video Meeting Procedures**

Mr. Pruitt read a set of prepared remarks introducing the procedures that the Committee would follow in order to hold a virtual meeting. Governor Baker recently signed an Executive Order in response to the COVID-19 pandemic allowing virtual meetings, which suspended the usual Open Meeting Law requirement that a quorum of committee members be physically present in order to hold an official committee meeting.

### **Meeting Minutes**

Ms. Cooper moved to have the Minutes from the 2/28/2020 meeting approved. Mr. Chapdelaine seconded the motion. Mr. Pruitt called the Committee's attention to several small edits offered by Dan Amstutz. Afterward, a roll call vote was held to approve the Minutes from 2/28/2020 as amended. The Committee unanimously approved the Minutes with Mr. DiTullio abstaining.

### **Agenda Item 1: Status of Fossil Fuel Warrant Article #13**

Patrick Hanlon, a leader in the Clean Heat for Arlington campaign, spoke to the Committee about the status of Town Meeting Warrant Article #13, the fossil fuel bylaw. The Warrant Article would create a new bylaw prohibiting new fossil fuel piping in new homes and substantial renovations. Mr. Hanlon began by summarizing the public hearing on the Warrant Article held by the Select Board on March 9, 2020. At that meeting, after hearing presentations by several advocates, the Select Board approved the Warrant Article text as submitted, with some small changes. The appeals process, for example, in part 6 of the text, was adjusted to have the Town Manager handle any appeals. Other minor edits were also made. However, section 5(b), which sets out procedures for waivers to the bylaw, included placeholder language about criteria for granting waivers that has not been finalized. The Select Board did not provide guidance

on revising that language. Mr. Hanlon flagged this is an issue that still needs to be addressed. Another issue that was discussed but not resolved at the meeting was the definition of Major Renovation. As drafted, the definition is met when there is alteration of 50% of the gross floor area of a commercial building, or 75% of the gross floor area of a residential building. There was discussion on whether the residential definition for Major Renovation should be met with a smaller percentage – such as 50% instead of 75%, which many argue still constitutes a “gut renovation.” The Select Board was open to further discussion on this point, and agreed that the proponents should keep working on the language.

A working group of Clean Energy Future Committee members as well as bylaw proponents from Mothers Out Front and Sustainable Arlington met after the Select Board meeting to discuss this and other outstanding questions. After further review and discussion, the working group decided that most major renovations that exceed 50% of gross residential floor area are so extensive that they also exceed 75% of gross floor area. For this reason, a decision was made to maintain the residential definition of Major Renovation at alteration of 75% of gross floor area.

Mr. Hanlon noted that this year’s Annual Town Meeting may be postponed due to the COVID-19 pandemic, and even if one is held, it may not include non-budgetary items. For this reason, Warrant Article 13 may not be considered until a potential fall special Town Meeting. Given that delay, there is a possibility that the Attorney General will rule on the legality of the very similar Brookline fossil fuel bylaw before Arlington’s bylaw is considered at Town Meeting. This possible ruling may provide valuable information to Arlington in terms of which parts of the Brookline bylaw she considers allowable versus not allowable. This information could help Arlington modify its proposed bylaw before it is voted upon to address any constitutional or legal vulnerabilities.

Mr. Hanlon concluded his remarks and Mr. Pruitt, in compliance with the opening statement, invited participants to ask questions.

Ms. Cooper asked Mr. Hanlon if Arlington would have the same building code pre-emption issue as Brookline does. Mr. Hanlon noted that upon the Effective Date of the proposed bylaw, the Building Inspector would not be able to issue a building permit for a project that was in violation of the bylaw. That could indeed raise building code pre-emption concerns. Mr. Hanlon went on to say that pre-emption concerns might be avoided if the bylaw imposed a permit delay, rather than outright denial. There is precedent for this kind of bylaw in the form of the demolition delay bylaw. Mr. Hanlon thought a delay in permit issuance could help convince builders to apply for a permit without fossil fuel infrastructure.

Mr. Pruitt then opened the conversation to members of the public. No questions were asked.

## **Agenda Item 2: Review of Mobility Related Greenhouse Gas Mitigation Measures**

Mr. Pruitt introduced this discussion by noting that Arlington is partnering with the City of Melrose, Town of Natick and the Metropolitan Area Planning Council (MAPC) to help produce Net Zero Plans for all three communities. MAPC has created lists of

greenhouse gas (GHG) mitigation measures for review and adoption by the three communities for their Net Zero Plans. The mobility related measures under discussion today were recommended by MAPC. Mr. Pruitt noted that the majority of the mobility measures from MAPC were already discussed by this committee in a previous meeting. The goal at this meeting was to complete review of these measures.

Regarding a measure to electrify the Town vehicle fleet, Ms. Cooper asked (with Mr. DiTullio expanding) if all municipal vehicles purchased need to be electric starting in 2030, or if purchases need to start earlier such that all municipal vehicles are electric by 2030. Mr. Pruitt said that this committee would need to make that decision. He also noted that the language of this measure clarified that only makes and models that were viable for the vehicle need would be required, and that there may be some kinds of vehicles, especially large trucks, for which a viable all-electric version will still not exist in 2030. Ms. Cooper stated that the Committee should revisit the question of when the purchase of all-electric vehicles should occur.

Mr. Katofsky also questioned the word “viable” to be included in the language because there were many different interpretations of this word.

Regarding Item 13 in MAPC’s proposed list of mobility measures, Develop a procurement and financing plan for electric school bus fleets: Mr. Pruitt noted recent progress has occurred in other school districts on this topic. Mr. Katofsky questioned whether school buses are part of the municipal fleet, and Mr. Pruitt stated they are. Mr. Amstutz stated that he thought this measure should be included in a similar measure targeting the full municipal vehicle fleet – why single out school buses for their own recommendation?

Mr. Pruitt noted the list of measures “A1” through “A8” are mostly additions to the MAPC list suggested by members of the CEFC. Items A1-A3 were brought over from an older MAPC list of recommended mobility measures. Items A4-A8 were recommended by CEFC members.

Regarding Item A1, Adopt EV readiness or installation requirements in new buildings, the Committee endorsed it.

Regarding item A2, Encourage private businesses to offer incentives to employees for transit, biking and walking, Mr. Katofsky recommended adding the word “public” in front of the word “Transit.”

Mr. Katofsky asked whether item A3, Upgrade parking policy to have EV charging station parking areas as a required parking space, should be for public or private parking or both. Mr. Pruitt suggested it should be for both. Mr. DiTullio supported the concept in principle, but noted there will be details to be work out regarding how long a space should can be occupied. Mr. Miettinen said there is no evidence that public infrastructure for charging encourages greater adoption of EV vehicles. Given this, there is a question of whether this will help greater transition to an EV landscape. Ms. Cooper wondered if further study should be adopted because conclusions in the literature are mixed on this topic. Mr. Katofsky asked what percentage of the public would need EV

charging stations in parking lots. Mr. Pruitt suggested it may be as much as 30 percent of the Town's population given how many people rent versus own their homes. Mr. Amstutz noted there is data available for such a discussion. Ms. Dein asked if this discussion was about parking for single family homes or for apartment complexes and other parking lots. Mr. Pruitt said his sense of the measure was that it was not aimed at single family homes. Mr. Katofsky noted that smaller apartment units should be included in this measure. CEFC members stated there is value to providing charging for low income residents.

Regarding Item A4, Build protected bicycle infrastructure, Mr. Amstutz provided background on this item and all remaining A items, since he had recommended them. Mr. Amstutz wanted to expand the concept of mobility to include more than driving cars and include other forms of transportation. This larger view would allow for further measures to help minimize high carbon modes of transportation.

Mr. Pruitt asked if there was any objection to discussing items A4-A8 as a group and asked for comments on those items. Mr. Levy noted that while these plans are terrific, we need action by Town government to actually implement them. Mr. Katofsky noted that on item A6, Implement a neighborhood traffic management program to slow or divert traffic to make walking and bicycling more comfortable and easy, that if traffic were moved from some parts of town to other parts of town, it should be done in a thoughtful way. Mr. Amstutz noted that part of the goal of the Transportation Plan, which itself is under development, is to identify some higher level policies for how the Town should examine its transportation system, and that a goal was to ask what the purpose of the transportation system is. By drilling down into specific recommendations, this should help answer that question. Ms. Dein asked if the word "divert" should be substituted for "reduce." Mr. Katofsky noted that he has confidence the Town can attack this in a smart way.

Mr. Pruitt asked if there was a motion to adjourn. Mr. Katofsky moved and Mr. Miettinen seconded. The Committee, by roll call vote, unanimously voted to adjourn the meeting.

The meeting adjourned at 9:30 a.m.

The next meeting will occur on April 24, 2020.

Submitted by Dave Levy.



## **Clean Energy Future Committee**

Date: Friday March 27, 2020

Time: 8:00 a.m.

Location: Conducted via remote participation

To join Zoom Meeting: <https://zoom.us/j/678567211>

Meeting ID: 678 567 211

To join by telephone: 646-876-9923

Meeting ID 678 567 211#

Members of the public are asked to send written comment to:

[kpruitt@town.arlington.ma.us](mailto:kpruitt@town.arlington.ma.us).

Documents regarding the below agenda items follow as attachments to this document.

### **Agenda**

8:00 – 8:10: Review meeting ground rules

8:10 – 8:15: Review & Approve Minutes from 2/28/2020 meeting

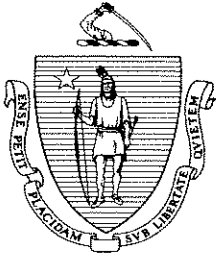
8:15 – 8:30: Update on fossil fuel warrant article (presentation by Patrick Hanlon)

8:30 – 9:30: Review mobility measures for Net Zero Plan recommended by Metropolitan Area Planning Council

Next meeting: April 24, 2020

### **Attachments:**

- 1) Governor Charles Baker's 3/12/2020 Executive Order Suspending Certain Provisions of the Open Meeting Law
- 2) Meeting minutes from 2/28/2020
- 3) Draft Arlington Fossil Fuel Bylaw dated 3/24/2020
- 4) Draft Mobility Playbook Section from MAPC



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**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS  
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

**WHEREAS**, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

**WHEREAS**, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

**WHEREAS**, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

**WHEREAS**, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

**WHEREAS**, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

**WHEREAS** section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

**NOW THEREFORE**, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

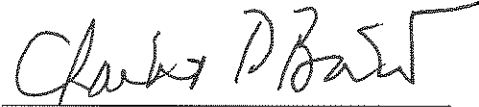
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of  
March, two thousand and twenty.

A handwritten signature in dark ink, appearing to read "Charles D. Baker". The signature is written in a cursive style with a large, sweeping "C" and a distinct "B".

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts





## **Clean Energy Future Committee**

### *DRAFT FOR REVIEW AT 3-27-2020 MEETING*

February 28, 2020

8:00 – 9:30 a.m.

Arlington Town Hall, Lyons Hearing Room

Members present: Ryan Katofsky, Ken Pruitt, Dave Levy (by phone), Marc Breslow, Emily Sullivan, Coralie Cooper, Shelly Dein, Dan Amstutz, Adam Chapdelaine, Nellie Aikenhead

Members not present: Jim Ditullio, Dan Dunn, Pasi Miettinen

The meeting convened at 8:03 a.m.

1. Minutes from 1/29/2020 meeting

The Committee discussed edits to the draft 1/29/2020 minutes. Ms. Cooper motioned to approve the minutes as edited, Ms. Dein seconded, all were in favor, motion approved.

2. Update on fossil fuel warrant article

Mr. Pruitt updated the Committee on the progress of the fossil fuel warrant article. The warrant article was endorsed by Committee at the 1/29/2020 meeting. The working group developing the proposed bylaw has been led by Mr. Pruitt, Ms. Cooper, Ms. Dein, and Mr. Miettinen, in collaboration with Sustainable Arlington and Mothers Out Front. The working group used Brookline's bylaw as the base for the bylaw development.

Mr. Pruitt summarized that in addition to the bylaw development, there has also been targeted outreach to the public and Town Meeting Members. There was a public information session on 2/27/2020 with approximately 70 attendees, where the draft bylaw was overwhelmingly received positively. A focus group with building owners and business owners has also been scheduled for 3/5/2020.

Mr. Pruitt summarized the changes made to the Brookline bylaw and how Arlington's draft bylaw was written. The working group started with the Brookline bylaw, and revised procedures and definitions to fit in with Arlington's processes. The working group revised the definition of "Significant Rehabilitation" in the Brookline bylaw and changed it to "Major Renovation." Major Renovation is defined as work associated with 50% of the original square

footage of the structure for commercial building code structures, and 75% of the original square footage of the structure for residential code structures.

Ms. Dein commented that based on the definition of major renovation, a lot of the renovation work in Arlington would not trigger the bylaw. Mr. Pruitt acknowledged that the bylaw as drafted would have limited impact on the typical renovations in town, and that for the most part the bylaw would impact new construction, or renovations that are the equivalent of new construction. Mr. Pruitt stated that this draft is the first step for a fossil fuel bylaw, and that California did not include renovation, only new construction, in their first ordinances and regulations. Brookline was the first community in the country to include renovations in its fossil fuel bylaw.

Mr. Pruitt stated that the appeals and waivers process was revised from Brookline's bylaw as well. Brookline established a new sustainability review board to review appeals and waivers. The working group decided not to create a new body. Instead, the working group drafted the bylaw such that the Zoning Board of Appeals would be the appeals body for the bylaw and the Building Inspector would administer the bylaw. The Building Inspector would have the authority to grant waivers and would work with other departments to confirm waiver eligibility. Mr. Pruitt stated that should this bylaw be approved by Town Meeting, the effective date would be July 1, 2021.

Mr. Amstutz asked if additions would trigger this draft bylaw. Mr. Pruitt stated that the Brookline bylaw does not include additions as criteria that trigger its bylaw. The working group considered including additions, but ultimately decided not to incorporate additions into the draft bylaw criteria.

Mr. Chapdelaine stated that standards should be included in the draft bylaw, but administrative processes should be included in rules and regulations. Mr. Chapdelaine recommended that Mr. Pruitt ask Town Counsel about appropriate bylaw and regulations content.

Mr. Levy asked why an applicant would ask for a waiver for new construction. Mr. Pruitt summarized that there is a list of new building projects eligible for exemption, which includes: central hot water heating for large buildings over 10,000 square feet, medical labs, and healthcare facilities. The draft bylaw also gives flexibility for building projects that deserve to be exempted but were not thought of during development of this bylaw. Mr. Levy asked how costs relate to these exemptions. Mr. Pruitt stated that projects could only be exempt if the bylaw rendered a project infeasible or cost prohibitive.

Mr. Katofsky asked about emergency repairs to fuel piping and leaky tanks. Mr. Katofsky asked whether the draft bylaw only regulates repairs to piping, or whether tank repairs would also be regulated. Mr. Pruitt stated that tanks are not regulated by the draft bylaw, and that someone could fix an impaired tank. The Committee recommended clarifying the language around what

infrastructure is regulated by the draft bylaw - piping, oil tanks, propane tanks, etc.

Ms. Aikenhead confirmed that fossil fuel infrastructure is often moved during major renovations, but that the 75% trigger for major renovation is high enough that many Arlington projects would not trigger the bylaw.

Ms. Dein stated that the Housing Corporation of Arlington's (HCA) recent projects all included heat pumps. Ms. Dein stated that the Arlington Housing Authority (AHA) is much more regulated than HCA, so the bylaw should consider waivers for the AHA.

The Committee asked whether the 75% measure defined in the draft bylaw included new space. The Committee reviewed definitions for "Gross Floor Area" and "Story" in the Arlington Zoning Bylaw. The Committee agreed that as the draft bylaw is written, new space is not included in the major renovation definition for 75%.

A Sustainable Arlington member present stated that it is politically easier for Town Meeting Members to approve this more conservative first draft of the bylaw and then amend it at future Town Meetings to capture more major renovations. The Sustainable Arlington representative advocated for data collection and analysis of projects regulated by this draft bylaw if it is approved by Town Meeting. With data, the Committee could then revise the bylaw with stricter triggers and criteria to meet net zero goals. The representative also stated that the Building Inspector agreed with using the 75% threshold for this first iteration of the bylaw.

Ms. Aikenhead recommended removing "not including new space" in the definitions of major renovations.

Mr. Breslow recommended that the working group ask the Building Inspector about removing "not including new space" from definitions of major renovations.

Mr. Pruitt stated that the working group will have a hearing at the Select Board's 3/9/2020 meeting to discuss the warrant article and draft bylaw. Mr. Pruitt stated that the draft bylaw language can change up to and during Town Meeting.

Mr. Pruitt invited Committee members to attend the 3/9/2020 Select Board hearing. Mr. Pruitt stated that the working group has moved away from the phrasing "fossil fuel ban," instead using "clean heat" and "fossil fuel infrastructure bylaw."

3. Review mobility measures for Net Zero Plan recommended by Metropolitan Area Planning Council (MAPC)

Mr. Pruitt reviewed the Net Zero Plan schedule. Mr. Pruitt stated that Arlington will have a complete Net Zero Plan by end of 2020, and a final greenhouse gas inventory with the baseline year of 2017 by the end of March. A public information session for the Net Zero Plan is scheduled for 5/19/2020 at 7pm.

Mr. Pruitt reminded the Committee that MAPC is providing lists of high impact actions for buildings, mobility, zoning/land use, and clean energy supply. These high impact actions will be reviewed by the Committee and included as recommendations and actions in the Net Zero Plan. The Committee has already received and reviewed the high impact actions for buildings, and will review the high impact mobility actions today.

Mr. Pruitt stated that in addition to these mobility efforts, Mr. Amstutz is leading a Sustainable Transportation Plan planning effort, which will coordinate with the Net Zero Plan.

The Committee reviewed and discussed the list of high impact mobility actions. Mr. Amstutz and Ms. Dein previously commented on the mobility measures, and their comments were included in the draft document reviewed by the Committee. The Committee discussed measures one at a time with the opportunity to make edits on the existing proposals, clarify language, propose removal of action, etc.

Regarding Action #2 "Expand public charging at libraries, multi-service centers, garages, parking lots, fire/police stations, and other facilities," the Committee agreed to clarify language. The Committee agreed to clarify what a multi-service center is, remove parking garages, and remove public charging stations at fire and police. The Committee agreed to include this action in the Net Zero Plan.

Regarding Action #34 "Specify or adopt design guidelines for EV and PEV parking spaces, signage, and wayfinding for both on- and off-street parking. Adopt regulations and enforcement policies for EV and PEV parking spaces," the Committee agreed to clarify what public parking includes and to use EV to capture all electric vehicle parking. The Committee agreed to include this action in the Net Zero Plan.

Mr. Breslow recommended a new action, Action #A9 "Add bus shelters to MBTA bus stops." The Committee agreed to include this action in the Net Zero Plan.

Regarding Action #20, "Advocate for community transit service needs, bus stop upgrades, bus rapid transit, and electrification of the regional transit system," the Committee stated that "bus stop upgrades" could include bus shelters. The Committee agreed that "advocate for" should be changed to be stronger action related language. The Committee agreed to include this action in the Net Zero Plan.

Mr. Pruitt stated that the Committee will add Action #A9 as a separate action.

Mr. Breslow recommended a new action, Action #A10 "Recommend the Mass Green Energy Alliance EV purchasing Drive Green Program." Mr. Pruitt suggested that the program can be referenced on the Net Zero Plan webpage once it is developed. The Committee agreed to include this action in the Net Zero Plan.

Regarding Action #35, "Advocate for regulatory changes in utility electric rate structures that support time of use rates for electric vehicle charging stations and demand response incentives for vehicle to grid integration," Mr. Katofsky recommended using the phrase "time varying rates" instead of "time of use rates." The Committee agreed to include this action in the Net Zero Plan.

Regarding Action #8, "Implement an income tiered EV car sharing or shuttle service in partnership with community organizations and affordable housing developments," Mr. Amstutz recommended that the action should refer to car sharing overall, not just VE car sharing. The Committee discussed what exactly car sharing meant, and whether it included car hailing. The Committee agreed not to include this action in the Net Zero Plan.

Regarding Action #18, "Adopt a zero emission municipal fleet policy that commits to complete transition to zero emission vehicles by no later than 2030 for all vehicles with viable zero emission makes and models," the Committee agreed to include this action in the Net Zero Plan.

Regarding Action #10, "Provide a suite of education and awareness building services, behavioral prompts, and incentives to promote electric vehicle adoption with a focus on financing and purchase opportunities to make zero emission vehicles more affordable," the Committee agreed to include this action in the Net Zero Plan.

Regarding Action #12, "Engage with the transportation network companies (TNCs), ride hail, and private shuttle services to provide incentives that increase adoption of electric vehicle options," the Committee recommended changing "engage" to "advocate for," clarifying that this is a regional effort. The Committee agreed to include this action in the Net Zero Plan.

Mr. Amstutz recommended a new action, Action #A11 which would be an action to implement the services and upgrades identified in Action #20.

Regarding Action #21, "Implement projects to improve safety and convenience of pedestrians, prioritize children, older adults, and people with disabilities," Ms. Dein recommended moving the details of this action to Action #22 instead. The Committee agreed to include this action in the Net Zero Plan.

Regarding Action #22, "Develop and implement a bicycle and pedestrian plan. Incorporate measures to support and appropriately regulate deployment of

micromobility and electrified options through the plan," the Committee recommended clarifying how this action would be incorporated into the Sustainable Transportation Plan. The Committee agreed to include this action in the Net Zero Plan.

Regarding Action #30, "Adopt comprehensive parking policies to maximize efficient use of spaces and reduce use of single occupancy vehicles," Mr. Chapdelaine stated that it is a good action to pursue but likely difficult to implement. Ms. Dein recommended changing the sub-category of this action. The Committee agreed to include this action in the Net Zero Plan.

Regarding Action #18, "Adopt a zero emission municipal fleet policy that commits to complete transition to zero emission vehicles by no later than 2030 for all vehicles with viable zero emission makes and models," the Committee agreed to include this action in the Net Zero Plan.

Mr. Pruitt asked if any Committee member would like to review action lists between meetings. Ms. Cooper volunteered to review lists between meetings.

Mr. Pruitt stated that the Committee would complete its review of the high impact mobility actions at the next Committee meeting.

The next meeting is scheduled for March 27, 2020.

The meeting adjourned at 9:32 a.m.

Submitted by Emily Sullivan.

# **Arlington Bylaw Amendment/Fossil Fuel Infrastructure**

3-24-20 Draft

## **Article 13. Bylaw Amendment/Fossil Fuel Infrastructure**

Voted: That the Town amend Title VI of the Town Bylaws by adopting a new Article 10 entitled "Prohibition on New Fossil Fuel Infrastructure in Major Construction" as set forth below.

### **Section 1 Purpose**

This Bylaw is adopted by the Town of Arlington, under its home rule powers and its police powers under Massachusetts General Laws, Chapter 40, Sections 21 (clauses 1, 18) and 21D, and Chapter 43B, Section 13, to protect the health and welfare of the inhabitants of the town from air pollution, including that which is causing climate change and thereby threatens the Town and its inhabitants.

### **Section 2 Definitions**

"New Building" shall mean a new building or new accessory building (a building devoted exclusively to a use accessory to the principal use of the lot) that is associated with a valid building permit application on or after the Effective Date.

"On-Site Fossil Fuel Infrastructure" shall mean piping for fuel gas, fuel oil, or other fuel hydrocarbons, including synthetic equivalent that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter (customer-side of gas meter).

"Major Renovation" shall mean a renovation project associated with a valid building permit application on or after the Effective Date of this article that:

(1) For existing structures regulated by the current edition of the International Residential Code as amended by 780 CMR 51: Massachusetts Residential Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 75% of the Gross Floor Area, as defined in Section 2 of the Arlington Zoning Bylaw, prior to the project;

(2) For existing structures regulated by the current edition of the International Building Code as amended by 780 CMR 34: Massachusetts Commercial Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 50% of the building floor area prior to the project, as defined by the Massachusetts Building Code.

“Work Area” shall mean the portions of a building affected by renovations for the reconfiguration of space and/or building systems, as indicated in the drawings associated with a building permit application. Areas consisting of only repairs, refinishing, and/or incidental work are excluded from the Work Area.

“Effective Date” shall mean July 1, 2021.

### Section 3 Applicability

The requirements of this article shall apply to all permit applications for New Buildings and Major Renovations proposed to be located in whole or in part within the Town, except that:

- A. The requirements of this article shall not apply to utility service piping connecting the grid to a meter, or to a gas meter itself.
- B. The requirements of this article shall not apply to piping required to fuel backup electrical generators.
- C. The requirements of this article shall not apply to piping required for cooking appliances and related appliances.
- D. The requirements of this article shall not apply to the use of portable propane appliances for outdoor cooking and heating.
- E. The requirements of this article shall not apply to the piping required to produce potable or domestic hot water from centralized hot water systems in buildings with building floor areas of at least 10,000 square feet, provided that the Engineer of Record certifies that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation or operational costs, compared to a conventional fossil-fuel hot water system.
- F. So long as new fossil fuel piping is not installed, the requirements of this article shall not apply to the extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping.
- G. The requirements of this article shall not apply to research laboratories for scientific or medical research or to medical offices regulated by the Massachusetts Department of Public Health as a healthcare facility.
- H. The requirements of this Article shall not apply to repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector.



## Section 4 Enforcement

Upon the Effective Date, no permits shall be issued by the Town for the construction of New Buildings or Major Renovations that include the installation of new On-Site Fossil Fuel Infrastructure, except as otherwise provided in Sections 3, 5, and 6.

## Section 5 Waivers

A. In the event that compliance with the provisions of this bylaw makes a project financially infeasible or impractical to implement, the Building Inspector may grant a waiver subject to reasonable conditions. Where appropriate, such waivers shall be issued narrowly for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Article. Waiver requests shall be supported by a detailed cost comparison, inclusive of available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans. Particular consideration for waivers will be given to projects sponsored by the Arlington Housing Authority (AHA), given the AHA's limited sources of capital funds.

B. Guidance regarding the granting of waivers and prescribing of conditions shall be provided by the Select Board prior to the Effective Date and periodically extended or amended in the light of experience and changing circumstances. *[Notwithstanding the foregoing,*

- 1. Compliance with this bylaw may be considered financially infeasible if as a result of factors beyond the control of the proponent the additional cost of the project over the long term, including any available subsidies, would make the project commercially unviable.*
- 2. Compliance with this bylaw may be considered impractical if technological or other factors would make the project unsuitable for its intended purpose.]*

C. The Building Inspector's decision with respect to the granting of a waiver, the scope thereof, and any conditions prescribed, shall be appealable to the Town Manager in accordance with procedures established by the Town Manager.

## Section 6 Appeals

The Town Manager shall hear appeals from decisions by the Building Inspector on the applicability of this bylaw under section 3 in accordance with such procedural rules as may be adopted from time to time by the Town Manager.

Internal Tracking			GENERAL			
Include in Playbook? (Yes/ No)	Action Number	Related Actions	Subcategory	Action	Detail	Type
Yes	2	3, 6	Develop zero emission vehicle infrastructure	Expand public charging at libraries, multi-service centers, garages, parking lots, fire/police stations, and other facilities.	Put in place sustainable pricing and parking policies to support management of the EV infrastructure over time. Implement managed charging to defray unnecessary costs.	Program
Yes	34	4	Develop zero emission vehicle infrastructure	Specify or adopt design guidelines for EV and PEV parking spaces, signage, and wayfinding for both on- and off-street parking. Adopt regulations and enforcement policies for EV and PEV parking spaces.		Policy
Yes	35		Develop zero emission vehicle infrastructure	Advocate for regulatory changes in utility electric rate structures that support time of use rates for electric vehicle charging stations and demand response incentives for vehicle to grid integration.		Advocacy
Yes	8	27	Encourage adoption of zero emission vehicles	Implement an income tiered EV car sharing or shuttle service in partnership with community organizations and affordable housing developments.	In advance of program implementation, carry out community engagement to identify resident transportation needs and desire for access to EV car share. Consider approaches to regional deployment in partnership with neighboring communities.	Program
Yes	10	9	Encourage adoption of zero emission vehicles	Provide a suite of education and awareness building services, behavioral prompts, and incentives to promote electric vehicle adoption with a focus on financing and purchase opportunities to make zero emission vehicles more affordable.	Provide programming and resources to support children, adults, seniors in making zero carbon mobility choices. Suite of outreach services could include electric vehicle ride and drive events, extended test drive periods with dealerships, partnerships with vehicle manufacturers, local dealerships, large employers and business districts to provide discounts on electric vehicles for residents and businesses	Outreach
Yes	12		Encourage adoption of zero emission vehicles	Engage with the transportation network companies (TNCs), ride hail, and private shuttle services to provide incentives that increase adoption of electric vehicle options	Partnerships with TNCs and ride hail companies could include education to drivers about the benefits of EVs and provision of additional compensation to drivers for rides provided in an Electric Vehicle.	Program

Internal Tracking			GENERAL			
Include in Playbook? (Yes/ No)	Action Number	Related Actions	Subcategory	Action	Detail	Type
Yes	20		Encourage low-carbon modes of transportation	Create an action plan to advocate for community transit service needs, bus stop upgrades, bus rapid transit, and electrification of the regional transit system.	Identify priority areas to increase access and community transit ridership and advocate during upcoming planning process with your applicable regional transit authority and MassDOT.	Advocacy
Yes	21	22, 23, 25	Encourage low-carbon modes of transportation	Implement projects to improve safety and convenience of pedestrians, prioritize children, older adults, and people with disabilities.	This could include investment in bike share programs and support for expansion of Landline Trail and Greenway network expansion.	Program
Yes	22	21, 23	Encourage low-carbon modes of transportation	Develop and implement a bicycle and pedestrian plan. Incorporate measures to support and appropriately regulate deployment of micromobility and electrified options through the plan.		Plan
Yes	30	14	Encourage low-carbon modes of transportation	Adopt comprehensive parking policies to maximize efficient use of spaces and reduce use of single occupancy vehicles.	Based on local context, this could include the elimination of minimum parking requirements for all new residential units, establishment of parking maximums within half a mile of high quality transit stops, creation and expansion of parking benefit districts, and incentives for developers to provide less than maximum allowable parking.	Policy
Yes	18	15, 16, 17	Lead by example	Adopt a zero emission municipal fleet policy that commits to complete transition to zero emission vehicles by no later than 2030 for all vehicles with viable zero emission makes and models.	The zero emission municipal fleet policy should set emissions standards for new acquisitions and leased vehicles. Commit to revise and regularly update the zero emission municipal fleet policy to require zero-emission vehicles or better whenever available and operationally feasible	Program
Yes	13	18	Lead by example	Develop a procurement and financing plan to support electrification municipally-controlled school and transit bus fleets by 2035.	Pair deployment with participation in available utility demand response programs as a revenue stream. Consider ways to use the electric school buses as an educational tool for students and parents about the community's transition to zero emission vehicles and net zero.	Program

Internal Tracking			GENERAL			
Include in Playbook? (Yes/ No)	Action Number	Related Actions	Subcategory	Action	Detail	Type

**The Following Additional Measures Have Been Suggested by CEFC Members**

	A1		Develop zero emission vehicle infrastructure	Adopt EV readiness or installation requirements in new buildings.	(Recommended from original long list of measures compiled by MAPC)	
	A2		Encourage low-carbon modes of transportation	Encourage private businesses to offer incentives to employees for transit, biking and walking	(Recommended from original long list of measures compiled by MAPC)	
	A3		Enhance Parking Strategies	Upgrade parking policy to have EV charging station parking area as a required parking space	(Recommended from original long list of measures compiled by MAPC)	
	A4			Build protected bicycle infrastructure to provide safe and connected corridors for bicycling away from trails and the Bikeway.		
	A5			Build new sidewalks or other pedestrian infrastructure to make critical connections and provide safe travel areas for walking.		
	A6			Implement neighborhood traffic management program to slow or divert traffic to make walking and bicycling more comfortable and easy.		
	A7			Invest in maintenance of existing bike and pedestrian infrastructure to ensure they continue to be attractive and accessible for non-motorized users.		
	A8			Invest in end of trip facilities for bicycling (bike parking, shower facilities at buildings, etc.).		